IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 700 of 2005

Mrs.Samsunisa Shaukatali & Anr. .. Appellants

versus

Maharashtra Housing & Area
Development Authority & ors. .. Respondents

...

None present for the appellant.

Mrs.G.P. Mulekar AGP for the respondent nos.1 to 3.

CORAM : B.H. MARLLAPALLE,J

DATED : 26th August 2005.

P.C.:

1. None for the appellant.

2. This appeal has been filed challenging an order dated 16.5.2005 passed by the learned Vacation Judge of the City Civil Court, Mumbai. The order noted that copies of agreements were given in January 2005 and other 12 tenants have already co-operated with MHADA. The defendants had also agreed to follow

the due process of law and 10 days time was allowed to the plaintiffs to shift in the transit camps. The Notice of Motion was directed to place before the regular court on 6th June 2005 and the defendant nos.5 and 6 were directed to report compliance to the Vacation Court on 27.5.2005 which was the last date for shifting to the transit camp.

3. Having regards to the notings made by the Court below in the impugned order, no interference is called for in the said order. The appeal is therefore dismissed in limine and it is clarified that the pending Notice of Motion shall be heard on its own merits. Dismissal of this appeal would not come in the way of the parties to settle the dispute on the basis of the consent terms proposed by the appellant.

B.H. MARLAPALLE, J